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18 *Plaintiffs BrandTotal, Ltd. and Unimania,*
19 *Inc.*

20 **UNITED STATES DISTRICT COURT**
21 **NORTHERN DISTRICT OF CALIFORNIA**
22 **SAN FRANCISCO/OAKLAND DIVISION**

23 FACEBOOK, INC., a Delaware
24 corporation,

25 Plaintiff/Counterclaim
26 Defendant,
v.

27 BRANDTOTAL, LTD., an Israeli
28 corporation, and
UNIMANIA, INC., a Delaware
corporation,

29 Defendants/Counterclaim
30 Plaintiffs.

Case No.: 3:20-CV-07182-JCS

31 **DEFENDANTS BRANDTOTAL, LTD.**
32 **AND UNIMANIA, INC.'S MOTION FOR**
33 **PRELIMINARY INJUNCTION**

34 Judge: The Hon. Joseph C. Spero
35 Ctrm.: Courtroom F – 15th Floor
36 Date: April 9, 2021
37 Time: 9:30 a.m.

38 Defendants' Motion for Preliminary
Injunction

Case No. 3:20-CV-07182-JCS

1 **TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD**

2 PLEASE TAKE NOTICE THAT, on April 9, 2021, at 9:30 a.m., Defendants/
 3 Counterclaim Plaintiffs BrandTotal, Ltd. and Unimania, Inc. (collectively, “BrandTotal”), by and
 4 through undersigned counsel, will, and hereby do, respectfully move for preliminary injunction
 5 (“Motion”)—benefitted by a more complete record—and again ask the Court to enter an order
 6 requiring Facebook to:

7 (1) rescind the takedown request to remove the UpVoice extension from the Google
 8 Chrome Web Store and to not oppose the inclusion of a replacement UpVoice extension on the
 9 Store;

10 (2) reverse any “technical enforcement measures” blocking UpVoice from Facebook’s
 11 platform or otherwise prohibiting Panelists from sharing their information with BrandTotal; and

12 (3) restore the Facebook accounts of BrandTotal such that BrandTotal may resume
 13 advertising efforts to recruit Panelists.

14 Moreover, for the reasons set forth in BrandTotal’s Motion for Temporary Restraining
 15 Order, Dkt. 26, BrandTotal requests that this injunction be entered without requiring BrandTotal
 16 to post a bond, because, even if wrongfully enjoined, Facebook will suffer no damage.

17 This Motion is filed pursuant to the November 20, 2020, Order of the Court (ECF
 18 No. 74) and is based on the attached Memorandum; Declarations of Alon Leibovich, Oren Dor,
 19 and Rudolph A. Telscher, Jr.; Report of Robert Sherwood; Exhibits A-Z and Exhibits AA-DD
 20 filed herewith, the records and pleadings on file in this action, and upon such other pleadings and
 21 evidence that may be presented prior to or at any oral argument that may be permitted by the
 22 Court. A Proposed Order Granting Preliminary Injunction is also respectfully submitted
 23 herewith.

1 Date: February 18, 2021

2 Respectfully submitted,

3 By: /s/ Rudolph A. Telscher, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of February 2021, I caused the foregoing to be filed electronically with the Clerk of Court and to be served via the Court's Electronic Filing System upon all counsel of record, and to be served via email on all counsel of record at the following:

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